UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY -5 AM 11:43

'08 MJ 1404

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Alberto TORRES-Garcia,** Defendant	Magistrate Docket No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **May 4, 2008** within the Southern District of California, defendant, **Alberto TORRES-Garcia,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th** DAY OF **May 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Alberto TORRES-Garcia

PROBABLE CAUSE STATEMENT

On Sunday May 4, 2008, Supervisory Border Patrol Agent K. Krall was performing line watch duties approximately one hundred yards north and nine miles east of the Tecate, California Port of Entry. At approximately 9:15 a.m., Agent Krall responded to a sensor activation. Upon arrival to the area, Agent Krall saw foot sign leading north towards some bushes. Agent Krall followed the sign for approximately forty yards when he witnessed eleven individuals attempting to conceal themselves in the surrounding brush. At 9:30 a.m., Agent Krall approached the individuals and identified himself as a United States Border Patrol Agent. Agent Krall questioned each individual as to their citizenship and nationality. Each individual, including one later identified as the defendant Alberto TORRES-Garcia admitted to being citizens and nationals of Mexico illegally in the United States. Each individual also stated that they were not in possession of any documents allowing them to enter or remain in the United States legally. All eleven individuals were arrested and transported to the Tecate, California Processing Center.

On May 4, 2008, at approximately 2:15 PM, the defendant was read his Miranda Rights and he agreed to be interviewed without an attorney present. During a the interview, the defendant stated that he knew he was crossing the United States/ Mexico International Border fence illegally and was not in possession of any immigration documents allowing him to remain in the United States. TORRES also stated that he was traveling to Los Angeles, California to find work.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on April **28, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.